REMARKS

The Office Action mailed October 1, 2009 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-14 are pending and stand rejected.

Claims 1, 4, 5, 6, 7, 10, 13 and 14 are independent claims.

Claims 1, 4, 5, 6, 7, 8, 9, 10, 13 and 14 have been amended.

Claims 4-5 and 13-14 are objected to but would be allowable if amended to overcome the objection.

Claim 7 is allowed.

Claims 4-5 and 13-14 are objected to for including informalities. Claims 1-3, 6 and 8-12 stand rejected under 35 USC 103(a) as being unpatentable over Miller (WO01/93444) in view of Maio (USP no. 4,578,646).

With regard to the objection to claims 4-5 and 13-14, applicant thanks the Examiner for his observation and has amended the claims to correct the errors noted.

With regard to the objection to the "means plus function" language in the claims, applicant submits that Figure 2 illustrates a timing generator, which provides a series of local pulses used to synchronize the received signal and able to control the pulses to synchronize the received pulse signals. (see page 3, lines 9-11 "The timing generator 18 can therefore control the pulse shaper 20 so that the pulses become synchronized with the received signals."). In addition, signals are provided from the timing generator to digital signal processor (DSP) which provides a control signal to integrator/filter block 22.

In addition, Figure 6, step 106, refers to a method for determining whether a "lock" (i.e., synchronization) has occurred with the received signal. The specification further refers to a patent application WO0014910 to show that such synchronization was well-known in the art.

Applicant submits that for the discussion regarding the timing generator/DSP and the reference to a known method of synchronization, there is sufficient teaching in the specification and drawings to enable one skilled in the art to understand the means for determining a locking condition, as is recited in the claims.

However, notwithstanding the above argument, applicant has elected to remove the claim language regarding "means for determining synchronization..." The removal of this claim element does not alter the scope of the invention claimed.

For the amendments made to the claims, applicant submits that the reason for the objection has been overcome.

In addition, in view of the indication of allowable subject matter in claim 7, applicant has amended independent claims 1, 6, and 10 to further recite the element that the first mode of operation occurs before synchronization or locking of the generated pulse signals with the received signal is determined and the second mode of operation occurs after synchronization or locking of the generated pulse signals with the received signal is determined. No new matter has been added. Support for the amendment may be found at least in clam 7.

For the amendments made to the claims, applicant believes that all the independent claims are in allowable form

With regard to the rejection of claims 1-3, 6 and 8-12 under 35 USC 103(a) as being unpatentable over Miller in view of Maio, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

However, in order to advance the prosecution of this matter, applicant has amended the independent claims to refer to the first mode of operation occurring before synchronization and the second mode of operation occurring after

synchronization between the generated pulse signals and the received signal has been achieved.

Neither Miller nor Maio disclose the operation of the second mode after synchronization has occurred.

Applicant submits that for the amendments made to the independent claim, each of the independent claims, and the claims dependent therefrom, is in a form comparable to that of claim 7, which has been indicated to be allowed. Applicant respectfully requests that the rejection be withdrawn.

For the amendments made to the claims and for remarks made herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

Although the instant Office Action has been made Final, the amendments to the claims should be entered as the amendments place the claims in a form indicated to be allowable.

Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the Examiner and, thus, the amendments should be entered without requiring a showing under 37 CFR 1.116(b).

Applicant thanks the Examiner for providing some time to discuss this matter so that the claims may be placed in a form that is consistent with the allowable subject matter found in claim 7.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
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